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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## OAKLAND DIVISION

STIPULATION OF VOLUNTARY DISMISSAL & [PROPOSED] ORDER  
16-5241 KAW

1 Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the qui tam provisions of the  
2 False Claims Act (FCA), 31 U.S.C. § 3730(b)(1), and in accordance with and subject to all of the terms  
3 and conditions of the settlement agreement among the United States, Relators, and Singulex, Inc.,  
4 effective August 21, 2018 (the “Settlement Agreement”), the United States and Relators Vicki Swartzell  
5 and Jim Vandermeer (“Relators”), hereby stipulate, through their undersigned counsel, as follows:

- 6 1. As to the United States, the claims against Defendant are dismissed (a) with prejudice as to  
7 the Covered Conduct released in the Settlement Agreement, subject to all of the terms of the  
8 Settlement Agreement, and (b) without prejudice as to any other claims.
- 9 2. As to Relators, all claims against Defendant are dismissed with prejudice, subject to all of the  
10 terms of the Settlement Agreement, except that Relators have specifically reserved and do  
11 not release Defendant from any claims for expenses, costs, and attorney’s fees under 31  
12 U.S.C. § 3730(d), or from any claims by Relator Vicki Swartzell under 31 U.S.C. §§ 3730(h)  
13 and under Wisconsin law for unpaid wages.
- 14 3. A copy of the Settlement Agreement will be provided to the Court upon request.

15 **IT IS SO STIPULATED**

16 DATED: September 14, 2018

Respectfully submitted,

17 ALEX G. TSE  
18 United States Attorney

19 /s/ Rebecca A. Falk<sup>1</sup>  
20 REBECCA A. FALK  
21 Assistant United States Attorney

22 DATED: September 19, 2018

23 LAW OFFICES OF JOEL H. SIEGAL

24 s/ Joel H. Siegal  
25 Joel H. Siegal  
26 Attorneys for Relator

27 <sup>1</sup> I, Rebecca A. Falk, hereby attest, in accordance with the Civil L.R. 5(i)(3), the concurrence in  
28 the filing of this document has been obtained from the other signatories listed here.

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** The Court directs the Clerk to close this case pursuant to the settlement agreement between the parties.

## IT IS SO ORDERED.

This 18th day of September, 2018.

Kandis Westmore  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge

HON. KANDIS A. WESTMORE  
United States Magistrate Judge